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Date/Time: 10/5/2005 3:27:09 PM
Subject: Notice of Appeal Ser. No. 09/359,809; Atty. Dkt. No. 01064.0011-05-000

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PATENT
Customer No. 34,986
Attorney Docket No. 01064.0011-05-000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of:)
Richard LEVY) Group Art Unit: 1714
Application No.: 09/359,809) Examiner: Cephia Toomer
Filed: July 23, 1999)
For: LUBRICANT COMPOSITIONS AND)
METHODS)

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

NOTICE OF APPEAL

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision dated August 10, 2005 of the Examiner rejecting the application a second time.

The item(s) checked below are appropriate:

1. ☐ A Petition for extension of time to respond to the final rejection was filed on [Date] extending the period for response to [Date].
2. ☐ A Petition for extension of time to further extend the period for response to [Date] is enclosed together with a fee of \$[Fee].
3. ☐ The Appeal Fee of \$310.00 (or \$155.00 if by small entity)
☐ is enclosed or ☐ is to be charged to Deposit Account No. 06-0916
4. ☒ An Appeal was filed in this application on April 10, 2002 with an appeal fee in the amount of \$160.00. The examiner reopened prosecution on June 12, 2003 and appellant responded on September 4, 2003, after which the examiner issued a subsequent office action on December 3, 2003. Applicant appealed a second time on December 6, 2003. After he filed the appeal brief, applicant was required to file an Information Disclosure Statement to call related art to the examiner's attention cited in a

related application and the examiner reopened prosecution to address the related art. Subsequent prosecution in this application led to the second rejection contained in the examiner's August 10, 2005 Office Communication. The Manual of Patent Examining Procedure §1208.02 waives payment of the Notice of Appeal fee in these circumstances.

Respectfully submitted,

THE LAW OFFICES OF ROBERT J. EICHELBURG

By: /Robert J. Eichelburg, Reg. No. 23,057/

Dated: October 5, 2005

Post Office Address (to which
correspondence is to be
sent)

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CERTIFICATE OF FACSIMILE TRANSMISSION PURSUANT TO 37 C.F.R. § 1.6 (d)

I hereby certify that this correspondence is being transmitted pursuant to 37 C.F.R. § 1.6(d) by facsimile to The United States Patent and Trademark Office at their Central FAX Number, (571) 273-8300, on the date indicated below.

By: /Robert J. Eichelburg, Reg. No. 23,057/

Dated: October 5, 2005